

10/593144

## WRITTEN DECISION OF THE INTERNATIONAL SEARCH AUTHORITY

(APPENDED SHEET)

International file number PCT/EP2005/050170

## Concerning Point V:

## 1. Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN, vol. 2003, no. 01, 14 January 2003 (2003-01-14), & JP 2002 274258 A (STANLEY ELECTRIC CO LTD), 25 September 2002 (2002-09-25)
- D2: DE 39 03 501 A1 (MESSERSCHMITT-BOELKOW-BLOHM GMBH, 8012 OTTOBRUNN, GERMANY), 24 August 1989 (1989-08-24)
- D3: US 2003/045984 A1 (HORII YASUTOSHI et al.), 6 March 2003 (2003-03-06)
- D4: DE 102 27 170 A1 (BAYERISCHE MOTOREN WERKE AG), 8 January 2004, (2004-01-08)
- D5: PATENT ABSTRACTS OF JAPAN, vol. 1999, no. 13, 30 November 1999 (1999-11-30), & JP 11 208367 A (NISSAN MOTOR CO LTD), 3 August 1999 (1999-08-03)
- D6: US 2002/097146 A1 (HARRIS TROY WHITFIELD), 25 July 2002 (2002-07-25)
- D7: DE 197 31 754 A1 (SPIES, MARTIN, DIPL.-ING., 86558 HOHENWART, GERMANY; SPIES, MARTIN), 4 February 1999 (1999-02-04)

## 2. Lack of clarity

- 2.1. The application does not fulfill the requirements of Article 6 PCT, because Claim 3 is unclear. It is not clear whether "the sensor signals" of Claim 3 relate to the single sensor signal of Claim 1, nor is it clear whether the sensor of Claim 3 works together with the

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infrared sensor of Claim 1 in order to produce a common sensor signal or a plurality of separate sensor signal(s).

2.2. The relative terms "value that is not dangerous" and "distance [...] that results in eye damage," used in Claims 5 and 8, do not have any generally recognized meaning, and leave the reader uncertain as to the meaning of the relevant technical features. Also, from Claim 1 it is not at all clear that the light of the light source could be dangerous. As a result, the definition of the subject matter of Claims 5 and 8 is unclear (Article 6 PCT).

2.3. In Claim 6, it is not clear what the person is being warned of, and when the warning is produced (e.g., constantly, or only when the light source is activated, or only when the person has been detected). As a result, the definition of the subject matter of Claim 6 is unclear (Article 6 PCT).

### 3. Independent Claim 1

3.1. The present application does not fulfill the requirements of Article 33 (1) PCT, because the subject matter of Claim 1 is not new in the sense of Article 33 (2) PCT. Document D1 discloses the following (the references in brackets relate to this document):

a method for improving visibility in a motor vehicle, a light source (12) of the motor vehicle illuminating an area of illumination, and an infrared sensor (16) of the motor vehicle producing a sensor signal when a person is situated in the area illuminated by the light source, and the light source being controlled dependent on the sensor signal (see the Abstract and the description, paragraphs 12, 18, 31 and 34).

3.2. Documents D2-D5 are likewise destructive of novelty for Claim 1.

4. Dependent claims 2-8

Claims 2-7 do not contain any features that, in combination with the features of any claim on which they are dependent, fulfill the requirements of the PCT with respect to novelty: see e.g. the description of D1, paragraph 22, for Claim 2; the description of D2, column 1, lines 61-68 for Claim 5; the description of D3, paragraph 18, for Claims 3 and 7; the description of D4, paragraphs 7 and 9, for Claim 8; the description of D5, paragraph 71, for Claim 6.

5. Independent Claim 9

The present application does not fulfill the requirements of Article 33(1) PCT, because the subject matter of Claim 9 is not new in the sense of Article 33(2) PCT.

Document D1 discloses the following (the references in brackets relate to this document):

a device for improving visibility in a motor vehicle using a light source (12) of the motor vehicle, the light source illuminating an area of illumination, and an infrared sensor (16) of the motor vehicle producing a sensor signal when a person is situated in the area illuminated by the light source, and having a control unit (14) that controls the light source dependent on the sensor signal (see the Abstract and the description, paragraphs 12, 18, 31, and 34).

6. Independent Claim 10

The present application does not fulfill the requirements of Article 33(1) PCT, because the subject matter of Claim 9 is not new in the sense of Article 33(2) PCT. Document

D1 discloses the application of a device as recited in Claim 10 in a night vision system in a motor vehicle.